

HOUSE No. 42

Accompanying the twelfth recommendation of the Executive Office of Public Safety and Security
(House, No. 30). Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT TO INCREASE THE AVAILABILITY OF MEDICAL AND MENTAL HEALTH INFORMATION REGARDING INMATES .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the
authority of the same, as follows:*

Chapter 127 of the General Laws, as appearing in the 2006 Official Edition, is hereby
amended by inserting after section 97B, the following section:—

Section 97C. When an inmate, as defined in section 1 of chapter 125, including any prisoner
held pursuant to section 52A of chapter 276, is transferred from a county correctional facility to a
state correctional facility or from a state correctional facility to a county correctional facility, the
transferring facility shall provide, in writing, known medical and mental health information about
the inmate to the receiving facility. The commissioner shall specify a written form that the
correctional facilities shall utilize for purposes of this section. The content of this written form
shall include, but not be limited to, the following:

- (a) Mental health history/concerns;
- (b) History of suicide attempts;
- (c) Acute medical concerns;
- (d) Name(s) and dosage(s) of current medications;
- (e) Substance abuse history; and
- (f) Allergies/dietary restrictions.

The transferring facility shall provide the aforementioned information, utilizing the form
specified by the commissioner, at or before the time of the inmate's arrival at the receiving
institution or, in the event of an emergency, within 24 hours or as soon as possible thereafter, but
in any event, not more than 72 hours after the inmate's arrival at the receiving institution.
Nothing in this section shall prohibit the transferring facility from providing additional

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21 information, items or documents pertaining to the inmate or the inmate's medical and mental
22 health history to the receiving facility.

23 Any privilege created by statute or common law relating to confidential communications or
24 information or any statute prohibiting the disclosure of information shall not preclude the
25 dissemination of information pursuant to this section.

26 Any person who provides information to a correctional facility in accordance with this
27 section shall not be liable in any civil or criminal action for providing such information.